

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/713,415

Applicant(s)

CHEN ET AL.

Examiner

LONGBIT CHAI

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-48.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Longbit Chai/
Primary Examiner, Art Unit 2131

Continuation of 11, does NOT place the application in condition for allowance because:
Advisory

1. Examiner notes please use this one as the corrected Advisory response if two different versions of Advisory has been received by Applicant.
2. As per claim 1, 11, 21 and 35, Applicant asserts (a) Testardi does not teach generating of an output key from multiple input keys (Remarks: Page 23, 1st Para) and (b) Testardi does not teach a method for generating a security key for a printer device (Remarks: Page 23, Last Para). Examiner respectfully disagrees. Regarding (a), According to MPEP § 2145, in response to applicant's arguments against the references individually, Examiner notes one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) -This is because the prior-art Sprunk (NOT the Testardi reference) does teach "generating a first output key based on said at least said first input key, said second input key and said third input key (i.e. from multiple input keys)" - please refer to refer to Final Office action submitted on 4/22/2008. Regarding (b), Testardi teaches a electronic security key which is correlated with an unique serial number is used to enable the printer's premium functionality (Testardi: Column 8 Line 18 - 25, Column 6 Line 29 - 31 / 49 - 51) and as such Testardi does teach generating a security key is indeed used for a printer device.
3. As per claim 31 and 45, Applicant asserts (a) Sprunk's DES generator is not a mapper (Remarks: Page 17, 2nd Para) and (b) even if a scrambler and a mapper were present in Sprunk, the elements by themselves would not constitute the Applicant's limitation, expressly stating that the scrambler is "coupled" to the mapper (Remarks: Page 19, 2nd Para). Examiner respectfully disagrees. Regarding (a), Sprunk teaches double-dual stages DES operation (Sprunk: Figure 4) and the DES operations constituted with substitution / permutation / swapping functional stages along with the key hashing function, as shown in Figure 4, is qualified to provide mapping / scrambling functions to meet the claim limitations as recited in the claim. Regarding (b), according to the definition of Dictionary.com, "to couple" can be interpreted such as "to join, or to connect" and Sprunk teaches a mapper (Sprunk: Figure 4 / Element 420 / 425 and Para [0036]) is connected to a scrambler (Sprunk: Figure 4 / Element 450 / 455 / 456 and Para [0039]) through an AND gate and as such Sprunk teaches a scrambler coupled to said mapper. Applicant's argument has no merit since the alleged limitation such as (a) a scrambler directly coupled to said mapper and (b) a masker directly coupled to said mapper have not been recited into the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).